

REMARKS

The Office Action mailed December 23, 2008 has been considered and reconsideration of the above-identified application, as amended, in view of the following remarks, is respectfully requested

Claims 1-11 are pending and stand rejected.

Claims 1, 5, 6 and 7 have been amended.

Claims 1, 6 and 7 are independent claims.

Claims 1-11 stand rejected under 35 USC 102(b) as being anticipated by Fisher (USP no. 7, 133, 068). Claims 5-11 are alternatively rejected under 35 USC 103(a) as being unpatentable over Fisher in view of Szeliski (USP no. 6, 009, 190).

With regard to the rejection of claims 1-11 under 35 USC 102 (b) as being anticipated by Fisher, applicant respectfully disagrees with and explicitly traverses the rejection of the claims. However, applicant has elected to amend each of the independent claims to further recite the elements of determining whether a lack of coverage in a composite picture exists and the processing further either interpolates information from edges of the lack of coverage or provides information regarding camera position to obtain coverage. No new matter has been added. Support for the amendment may be found at least on page 6, line 34-page 7, line 9.

Fisher discloses a system for extracting still pictures from a video image. The still pictures are extracted based on a desired overlap region between the extracted pictures. Hence, contrary to subject material of taking still pictures until a desired overlap between pictures is achieved and then storing the pictures, as is claimed in the independent claims, Fisher discloses a selection of a plurality of still pictures from a plurality of existing pictures that meet a desired overlap condition (see Figure 7 and col. 7, lines 43-45). Fisher discloses that those pictures or images extracted are determined based on a scan speed and a length of a still frame (see col. 7, lines 50-51). And thus, Fisher fails to provide any teaching of monitoring the pictures taken to determine whether a desired overlap has been achieved. Rather, Fisher extracts the images from the video image based

on a calculated value.

A claim is anticipated if and only if each and every element of the claim is recited in a single prior art reference.

Fisher cannot be said to anticipate the subject matter recited in each of the independent claims 1, 6 and 7, as Fisher, as shown, fails to disclose a material element recited in each of these claims.

In addition, with regard to the rejection of claim 5, Fisher discloses that when a user specifies a scan speed and a time interval there may be a condition wherein the calculated overlap would cause there to be a lack of coverage (or "aligned in excess of a minimum adjacent still image overlap value", see col. 8. lines 37-38) in the extracted pictures, a warning message is provided.

Fisher fails to provide any teaching regarding either interpolating the pixels of the edges of this area of a lack of coverage or determining a position of a camera to cover the lack of coverage.

Thus, Fisher cannot be said to anticipate the subject matter recited in each of the independent claims, as Fisher fails to disclose this additional material element now recited in each of these claims.

Applicant submits that, for the amendments made to the claims and for the remarks made herein, the rejection of each of the independent claims has been overcome and respectfully requests that the rejections be withdrawn.

With regard to the remaining claims, each of these claims depends from one of the independent claims, and, hence, is also not anticipated by Fisher by virtue of its dependency upon an allowable base claim.

With regard to the alternate rejection of claims 5 and 11 under 35 USC 103(a), the Office Action refers to Szeliski for disclosing a detector for detecting an area in a composite picture lacking coverage.

However, neither Fisher nor Szeliski provide any teaching or motivation for providing either an interpolation operation or disclose a position function as is recited in the claims.

A claimed invention is *prima facie* obvious when three basic criteria are met. First, there must be some suggestion or motivation, either in the reference themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine the teachings therein. Second, there must be a reasonable expectation of success. And, third, the prior art reference or combined references must teach or suggest all the claim limitations.

In this case, the combination of Fisher and Szeliski fails to teach or suggest the subject matter of claims 1 and 7 from which claims 1 and 11 depend. Accordingly, the combination of Fisher and Szeliski cannot be said to render obvious the subject matter recited in each of claims 5 and 11.

For all the foregoing reasons, it is respectfully submitted that all the claims are in allowable form and the issuance of a Notice of Allowance is respectfully requested.

In the event the Examiner deems personal contact desirable in the disposition of this case, the Examiner is invited to call the undersigned attorney at the telephone given below.

No fees are believed necessary for the timely filing of this paper.

Respectfully submitted,

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